

(Attached Statement of Claim Continued from IV)
 Count I

1. Plaintiff arrived at the Delaware Correctional Center on January 20, 2004 with a broken right hand. While housed at the prison receiving room, plaintiff requested to see a physician and saw a Registered Nurse i.e., RN pine concerning treatment for a broken right hand later that night after, I was transferred into the prison's general population,
- 2.) plaintiff went to The DCC Hospital and saw a Registered Nurse (RN) who declined to wrap and splint his hand. (Note: The Name of this (RN) is unknown at this time by plaintiff) However said RN gave plaintiff a carton of 600 mg of ibuprofen and an Ice pack. Plaintiff informed said (RN) that he believed that his hand was broken, later that night plaintiff went back to the prison hospital and saw another (RN). Presently-unknown to plaintiff who declined to wrap or splint plaintiff's hand because in said (RN)'s (note) words, he didn't want to wrap it and got it wrong
- 3.) on January 22, 2004, plaintiff saw a Doctor Ali Homer who gave plaintiff a check-up and told plaintiff that it was obvious that his hand was broken. Said Dr. Ali, also told plaintiff that she would put plaintiff down for X-Ray and a cast as soon as possible. On January 22, 2004 plaintiff was transferred to MHH from C104. Plaintiff confronted the Building Sgt on numerous occasions and different shifts to request to see the nurse because of the unbearable pain and swelling of his hand.

4.) Plaintiff was told by the MTH Sgt to put in a sick-call slip. Finally on February 26, 2004 Plaintiff was seen by a nurse Quamie, who gave Plaintiff a three day supply of motrin. Plaintiff was accompanied to medical by correctional officer Paul Unsworth. The MTH Building 23. B. Tier officer who work the 4-12 shift

5.) on several other occasions, Plaintiff was told by several other MTH correctional officers i.e., Sgt Ski on the 4-12 shift at MTH and correctional officers Abernacke and Wickham to put in for sick-call. i.e. Abernacke and Wickham works 8-4 shift

6.) on January 28, 2004, Plaintiff put in a sick-call for treatment of his hand to no avail. Then on February 1, 2004 Plaintiff filed a grievance about not being seen by the X-Ray Technician and obstruction as prescribed by doctor. At Honor on January 28, 2004, Plaintiff put in another sick-call on Feb 10, 2004 and filed another grievance and was seen on February 14, 2004 by the Plaintiff (RN) Brenda Holwerda who examined Plaintiff's hand and stated she was sorry that she didn't know who it was who told me (Plaintiff) that I would be taken care of by February 18, 2004. The following Wednesday, Plaintiff was given 800 mg of Motrin and saw the X-Ray Technician who confirmed that Plaintiff had a broken hand that was starting to mend on its own

7.) on Thursday, February 20, 2004 Plaintiff again saw RN Brenda Holwerda who stated that she wanted him to relinquish his grievances (Chief medical officer, for (KCBS) medical services contractual staff Brenda Holwerda and Plaintiff signed a document stating that Plaintiff will go outside the prison to get my hand fixed i.e. proper medical treatment.

8.) As a precaution plaintiff requested a copy of said Doctrine Agreeing to send him (plaintiff) to a outside physician A.N Brenda Hlawicki stated she would send a copy of said Doctrine via the mail. To date, plaintiff has not received said Doctrine or nor has he been sent to an outside doctor in regard to his severe broken hand for medical treatment. Plaintiff hand remains broken and untreated. As of the date of this lawsuit, Defendant Hlawicki has acted with a Reckless or culpable state of mind Defendant knew and disregarded an excessive risk to plaintiff's Health or Safety. Defendants knew and were aware of plaintiff's Broken right hand, yet ignored administering the Adequate and proper treatment. The medication given of nothing provided to the plaintiff was nothing more than a cursory method of treatment because of the delay in treatment, plaintiff's hand was never set in a cast resulting in a permanent bump. Defendant's has acted with Reckless disregard for plaintiff's condition. And has prevented plaintiff from receiving needed and recommended medical treatment and has delayed necessary medical treatment based on a nonmedical reason. And persist in a particular course of treatment in the face of resultant pain and risk of permanent injury.

~~Attached Sheet~~

Statement of Claim Court II

- 1) Plaintiff arrived at the Delaware correctional center on January 30, 2004 with a broken right hand while housed at the prison receiving room, plaintiff requested to see a physician and saw a Registered Nurse i.e., RN, inquire concerning treatment for a broken right hand later that night after I was transferred in to the general prison's population
- 2) Plaintiff went to the PCC hospital and saw a Registered Nurse (RN) who declined to wrap and splint his hand. Note: The name of this (RN) is unknown at this time by plaintiff however said RN gave plaintiff a carton of 600 mg of ibuprofen and a Ice pack. Plaintiff informed said (RN). That he believed that his hand was broken, later that night plaintiff went back to the prison hospital and saw another (RN) presently unknown to plaintiff who declined to wrap or splint plaintiff's hand because in said (RN) (male) words he didn't want to wrap it and get it wrong

3.) on January 22, 2004, Plaintiff saw a doctor Ali Thimer who gave plaintiff a check-up and told plaintiff that it was obvious that his hand was broken. said Dr. Ali also told plaintiff that she would put plaintiff down for X-RAY and a cast as soon as possible. on Jan 22, 2004 plaintiff was transferred to MTHU from C.Bldg. plaintiff confronted the Building Sgt on numerous occasions and different shifts to request to see the nurse because of the unbearable pain and swelling of his hand

4.) Plaintiff was told by the MTHU Sgt (Name unknown) to put in a Sick call slip finally on February 26, 2004 plaintiff was seen by a nurse Quamie, who gave plaintiff a three (3) day supply of medication. Plaintiff was accompanied the medical by correctional officer Paul Answard. The MTHU Building 23 B-Tier officer who works on the 4-12 Shift.

5.) on several other occasions, Plaintiff was told by several other MTHU correctional officer i.e. Sgt Ali on the 4-12 Shift at MTHU and correctional officer Abernacke and Nicchia to put in for sick-call, Co Abernacke and Nicchia work 8-4 Shift

- 6) On January 28, 2004 plaintiff put in a sick-call for treatment of his hand to no avail. Then on February 1, 2004, plaintiff filed an administrative medical grievance about not being seen by the X-Ray Technician and obstruction of his prescribed by the doctor Al. Homer on January 23, 2004. Plaintiff put in another sick-call on February 10, 2004 and filed another grievance and was seen on February 14, 2004 by (Head RN Chief medical officer Brenda Holwerda who examined plaintiff's hand and stated she was sorry that she didn't know who it was who told me (plaintiff) that I would be taken care of by February 18, 2004. The following Wednesday, plaintiff was given 800 mg of Motrin for the first time and plaintiff was in some really acute severe pain and saw the X-Ray technician who confirmed that plaintiff had a broken hand that was starting to mend on its own.
- 7) On Thursday, February 20, 2004, plaintiff again saw chief medical officer Brenda Holwerda who stated that she wanted plaintiff to exhaust all administrative remedy as per available by signing a piece of paper "Decline" at medical services contractual staff interview. Plaintiff agreed and signed the Decline. The plaintiff was told by chief medical officer Brenda Holwerda that he would go outside the prison to get my hand fixed in, proper medical treatment which never took place.
- 8) Plaintiff agreed as a premature Resolution to his Feb 1, 2004 and his Feb 10, 2004 grievances. Informal Resolution and Defendants agreed to treat plaintiff with proper medical care but never did. Plaintiff was under the impression that he would receive the appropriate medical attention as a resolution to his two grievances. Plaintiff never received Elective surgery and cast ect.

(Attached sheet)

Statement of Claim Count II

9.) The Defendant first correctional (FCM) was Deliberately indifferent to

Plaintiff's Serious medical needs. On 1-22-04 plaintiff was diagnosed by first correctional medical physician Doctor Al. Homer. As having a broken right hand said Doctor Homer ordered X-ray And a hand cast on 1-22-04. Plaintiff filed several sick-call slips About The Delay stating need medical attention still having rec'd it. Plaintiff filed a medical Administrative Grievance About the Substandard medical treatment. Plaintiff continued to file Grievances And sick-call slips on 2-1-04 And a second on 2-10-04 plaintiff was confronted on Feb 14, 2004 by Defendant Holwerda, Chief medical officer from the medical services contractual staff. Directly responsible to the institution. in Ref: To sick-call/grievance plaintiff was given motrin for pain by Holwerda, but she did not wrap or X-ray plaintiff's hand on Feb 18 plaintiff rec'd his X-ray. The technician confirmed that plaintiff had a broken hand. The technician also determined that plaintiff's hand was beginning to mend itself. On Feb 20 2004 plaintiff was seen by Holwerda in Ref: medical services contractual staff interview; Holwerda Told plaintiff that he would be examined by a outside physician; on 3-2-04 plaintiff was transferred to a Dr. Dushoff. This verifying medical evidence by the doctor who examined plaintiff's hand own admission. stating that plaintiff's hand had already started healing on it's own. due to the non-treatment by defendant's clearly demonstrates defendant's delay in elective surgery plaintiff offers this expert medical testimony identifying the alleged deviation from the applicable standard of care. see consultation order prepared by Dr. Dushoff said doctor Dushoff recommended re-checking in 6 weeks. The Defendant (FCM) failed to carry out the Prescribed orders of it's own doctor and failed to carry out the recommended order of Dr. Dushoff on 3-2-04. The Substandard medical treatment provided to plaintiff was Arbitrary CAPSIOUS AND CIVIL The medications provided to the plaintiff (800 mg of motrin) was nothing more than a cursory method of treatment and has prevented plaintiff from receiving needed and recommended treatment and persists in a particular course of treatment in the face of resultant pain And risk of permanent injury

And has delayed necessary medical treatment based on a non-medical

10.) Reason The Defendant CFCMS was acted with a culpable state of mind Defendant knew and disregarded an excessive risk to plaintiff health or safety Defendant knew of and was aware of plaintiff's broken right hand, yet ignored Administering the adequate and proper treatment, prescribed by it's own doctor and that of another preventing plaintiff from receiving needed and recommended medical treatment because of the delay in treatment, plaintiff's hand was never set in a cast, resulting in a permanent bump. The Defendant was acted with reckless disregard for plaintiff's condition. Moreover, plaintiff filed numerous grievances trying to obtain treatment for his severely broken right hand Defendant has acted upon grievance #1309 and abandoned plaintiff Feb 10, 2001 Grievance plaintiff incorporates by reference The BOP. Bureau of Prison 4.4 Grievance procedure which prohibits repetitive grievances for the same offense moreover, The Delaware Department of corrections administrative procedures provides that Medical Grievances be submitted to the [Inmate Grievance chair], who will forward the grievance to the medical service contractual staff for review. The medical services contractual staff will attempt informal resolution of the matter. If such resolution fails, a medical Grievance committee ("MGC") hearing will be conducted, which hearing will be attended by the grievant and the Inmate Grievance chair. If the matter is resolved at that stage, the case is closed; otherwise the grievant is directed to complete the (MGC) appeal statement section of the written grievance and forward it to the [Inmate Grievance chair] the plaintiff and Head F.N Brenda Klawnschik signed and agreed to resolve this matter on 2-20-01 [Informal Resolution] thus on it's face The BOP 4.4 "Grievance manual" provides 180 days to complete grievance process. It is beyond the 180 days and the grievance process concluded unresolved. Further efforts to resolve this institutionally is futile. Moreover, The Defendant (FCM) directly participated in the infraction. After learning of the violation through a report and failed to remedy the wrong Angela Wilson Region 12 Mgr was served on 9/15/04 by USM service with regards to C.A. # 04-176. GMS